

Subject: [Patrin] ERRC Letter to Chief Prosecutor in Ukraine

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From: ERRC <errc@errc.org>

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On January 16, 2002, the European Roma Rights Center (ERRC) sent a letter to Chief Prosecutor of Ukraine Mr. Potebenyko Mykhajlo Oleksijovich to express concern about the possible killing by arson of members of a Romani family by a police officer in the Poltava Province of Ukraine. Five members of the Fedorchenko family died, and two others were seriously injured, as a result of a fire in their home in October 2001. According to local press reports, members of the fire department found evidence of arson at the site of the fire, as well as indications that the main door of the house had been blocked from the outside, apparently to prevent persons inside the house from escaping. One victim of the fire has reportedly alleged that a police officer had previously threatened the family that he would "set them all on fire" because they would not pay him a bribe. In its letter, the ERRC called upon Chief Prosecutor Oleksijovich to ensure that a thorough and impartial investigation is carried out into the fatal fire, and that any and all persons guilty of crimes in connection with the case be prosecuted to the fullest extent of the law. The ERRC further urged that any and all harmed parties receive due just remedy, including all relevant damages. Further information on the human rights situation of Roma in Ukraine is available on the Internet at:

<http://errc.org/publications/indices/ukraine.shtml>.

The text of the ERRC letter follows:

Honourable Chief Prosecutor Oleksijovich,

The European Roma Rights Center (ERRC), an international public interest law organisation which monitors the human rights situation of Roma and provides legal defence in cases of human rights abuse, is concerned about the possible reported killing of a Romani family by a police officer in the Poltava Province of Ukraine.

The ERRC has received information that in the morning hours on October 28, 2001, five members of a Romani family were admitted to hospital from the Malaya Kokhnovka village of the Kremenchug area, Poltava Province, central Ukraine, with extensive burns and suffering from smoke inhalation. Zukhra Fedorchenko (21) suffered burns to her respiratory tract as well as over 65 percent of her body; her daughter, 6-year-old Snezhana Fedorchenko, suffered 100 percent burns to her body; her 3-year-old son Misha Fedorchenko suffered 80 percent burns; 15-year-old Takhar, Zukhra's brother, suffered 70 percent burns, and 50-year-old Jurij Fedorchenko suffered 40 percent burns. Two members of the Fedorchenko family were found dead in the burnt house -- Ms Fedorchenko's

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husband, 25-year-old Vladimir Fedorchenko, and their 6-year old son Jura. Snezhana Fedorchenko died 40 minutes following her arrival at the hospital, Misha Fedorchenko died on the next day and Ms. Zukhra Fedorchenko died two days later. As of January 14, 2002, Takhar was reportedly still being treated for the serious bodily injuries he had sustained in the incident.

According to an article published on November 2, 2001, in the weekly newspaper Kremin', the firemen who extinguished the fire found evidence of arson – a burnt piece of a 5-liter polythene bottle with the smell of an inflammable substance. Kremin', referring to unspecified sources, alleged that some police officers asked firemen to state that the fire had been started because some straw had ignited, but that the firemen had refused to strike the "deal". The newspaper also alleges, referring to witnesses' testimonies, that the entrance door of the house was intentionally barred from the outside with logs, apparently to prevent people from escaping. Reportedly, there were two explosions which followed one another, and witnesses who saw the house after the explosion told local journalists that it looked "like a building in Hiroshima in 1945", with windows and doors thrown out in the explosion, and everything burnt out inside the house. Three men were reportedly seen by eyewitnesses running from the vicinity of the fire immediately after the first explosion. Another witness said that she saw Mr. Jurij Fedorchenko thrown from the house together with the door in the second explosion. Reportedly, Mr. Fedorchenko was on fire at the time.

Mr. Jurij Fedorchenko reportedly told the police that the fire was caused by arson, organised by Major Ivanov of the Kryukov area police department as punishment because the Fedorchenko family allegedly could not pay a monthly bribe of 200 hrivnya. According to Mr. Fedorchenko, prior to the incident, Major Ivanov made a verbal threat to the family saying "I will set all of you on fire."

According to Kremin', authorities investigating the case, in the first days following the event, claimed that they know the names of the perpetrators, and area prosecutor Mr. Aleksandr Jarmonik was quoted by the newspaper as saying that the possibility of involvement of "drug kings in police uniforms" was being considered as probable. The County Prosecutor Mr. V. Tsvigun said in public that should in the course of investigation this supposition be found to be true, he would contact the General Prosecutor of Ukraine and seek to involve high-ranking independent law-enforcement officials in the investigation. Chief of Department of the Ministry of Internal Affairs of the Poltava County Police General A. Prisyazhnyuk stated at a press conference on October 29, 2001, that one of the alleged arsonists was being hidden by his parents; this person had allegedly had stated the following: "I myself set those Gypsies on fire." This person, whom officer Prisyazhnyuk did not identify, allegedly had set another two houses on fire on the same morning with two accomplices. Officer Prisyazhnyuk also confirmed the likelihood of involvement of a police officer from the Department of the

Fight Against the Illegal Use of Drugs in the arson and denied any possibility of covering up the truth. He was quoted in the Kremlin' article as having stated: "I have never illegally protected anyone and never will." In the weeks following the incident, both prosecutorial officials and the media reportedly denied any police involvement in the arson. In accordance with Mr. Prisyazhnyuk's order, Major Ivanov was reportedly temporarily suspended from his duties. Mr. V. Shapoval, chief of Krjukov area police department, denied any involvement of Major Ivanov in the arson, and explained allegations made by Roma from Malaya Kokhnovka as revenge for Major Ivanov's enthusiasm in performing his work, particularly in investigating alleged drug dealing by Roma in Malaya Kokhnovka. As of January 11, 2002, according to an activist who because of fear of retaliation requested that he not be quoted by name, no charges against Major Ivanov or other persons had been brought in connection with the fire. He also told the ERRC that Major Ivanov regularly makes threats to Roma, many of whom have fled from the town fearing further violence. The activist also told ERRC that they believe that high-ranking officials at the county prosecutor's office and police have covered up police involvement in the crime.

Honourable Chief Prosecutor Oleksijovich, the ERRC calls upon your office to ensure that a thorough and impartial investigation is carried out into the fire which caused the death of five Romani persons and serious injuries to another two Romani persons, and that any and all persons guilty of crimes in connection with the case are prosecuted to the fullest extent of the law. Any and all harmed parties should receive due just remedy, including all relevant damages. We respectfully request to be informed of the results of any actions taken by your office in connection to this case.

Sincerely,

Dimitrina Petrova
Executive Director

Persons wishing to express similar concerns are urged to contact:

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The European Roma Rights Center is an international public interest law organisation which monitors the rights of Roma and provides legal defence in cases of human rights abuse. For more information about the European